

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

Elizabeth DIONICIO,

Plaintiff,

VS.

Brad ALLISON, Special Agent of
the Tennessee Alcohol & Beverage
Commission, Danielle ELKS, Executive
Director of the Tennessee Alcohol &
Beverage Commission, and Mark
HUTCHENS, Chief Law Enforcement
Officer of the Tennessee Alcohol &
Beverage Commission, all in their
individual and official capacities,

Defendants.

Case No. 3:09-cv-575
Judge Haynes

PLAINTIFF'S MOTION FOR LEAVE OF COURT
AND PROPOSED REPLY TO DEFENDANT'S RESPONSE TO
MOTION FOR SANCTIONS AND EXPENSES
UNDER FRCP RULE 16(f)

GRANTED
Motion to
file reply is
GRANTED
12-14-10

Comes now the Plaintiff, by and through her undersigned attorney, and pursuant to L.R. 7.01(b), respectfully seeks leave of this Court to submit this Reply to Defendant's Response to Plaintiff's Motion for Sanctions and Expenses Under FRCP Rule 16(f).

Defendant's Response (Doc. Entry No. 106) to Plaintiff's Motion for Sanctions (Doc. Entry No. 105) is factually and legally incorrect on two critical issues.

First, contrary to Defendant's representation in his Response (Doc. Entry No. 106 at 2), this Court did not deny his Motion for Judgment on the Pleadings (Doc. Entry No. 95) during the status hearing parties attended.¹ In support of his contention, Defendant offers no record of this oral denial. No such record exists. No minute entry reflecting

¹ This hearing was on November 1, 2010 -- not, as Defendant states, on October 28, 2010.